

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4933 of 2005

Between:

- 1 K.Jayalakshmi, w/o Jagannatharao,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 2 L.Daniyamma, w/o Ramulu,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 3 Ch.Vijaya Lakshmi, w/o Venkata Subbarao,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 4 Ch.Jayasahasini, w/o Srinivasulu,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 5 N.Venkatalakshmi, w/o Mohanrao,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 6 P.Varalakshmi, w/o Sanyasirao,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 7 G.Lakshmi, w/o Raju,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 8 Ch.Satyavathi, w/o Satyanarayana,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 9 R.Padmavathi, w/o Ganapathi,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.
- 10 R.Chandravathi, w/o Arjun,
r/o Paradesipalem (V), Visakhapatnam Rural, Visakhapatnam District.

... PETITIONERS

AND

- 1 District Collector, Visakhapatnam District at Visakhapatnam.
- 2 Revenue Divisional officer, Visakhapatnam, Visakhapatnam District.
- 3 Mandal Revenue Officer, Visakhapatnam Rural Mandal,
Visakhapatnam, Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in issuing proceedings in Roc.No.137/2005, dt.18-2-2005, which was served on 28-2-2005 and refusing to receive any explanation therefor is illegal, irregular, violative of principles of natural justice and offends Art.14, 21 and 300A of the Constitution of India and the provisions of A.P.Board of Revenue Standing Orders and consequently direct the respondents not to cancel the house site pattas of the petitioners nor evict therefrom and pass such other order or orders as this Hon'ble Court may fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

The petitioners herein are served with notice dated 18-02-2005 issued by the third respondent-Mandal Revenue Officer alleging that they are not residing in the lands which were assigned to them and failed to make the constructions as per the conditions of assignment and therefore calling upon them to show cause as to why the assignment should not be cancelled.

The petitioners state that all the allegations made in the said notice are false and therefore they have submitted necessary explanation before the third respondent-Mandal Revenue Officer, however, the third respondent refused to receive the said explanation. It is alleged that the third respondent is bent upon to cancel the assignment granted in favour of the petitioners, at the instance of local M.L.A. It is further stated that since the third respondent has refused to receive the explanation, the petitioners have sent their explanation by registered post on 11-03-2005. However, the petitioners apprehend that the third respondent is likely to cancel the pattas without considering the said explanation.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents, I am of the view that the third respondent is required to pass final order after considering the explanation submitted by the petitioners. Accordingly, without expressing any opinion on merits, the writ petition is disposed of granting liberty to the petitioners to submit their explanation on or before 25-03-2005 before the third respondent-Mandal Revenue Officer. If any such explanation is submitted by the petitioners, within the time specified above, the third respondent-Mandal Revenue officer shall consider the same and pass appropriate orders, in accordance with law. Till such time, the petitioners shall not be dispossessed from the land in question.

G. ROHINI, J

Dated: 14-03-2005

Note: Furnish C.C. by tomorrow

B/o.

LSK

To

- 1 District Collector, Visakhapatnam District at Visakhapatnam.
- 2 Revenue Divisional officer, Visakhapatnam, Visakhapatnam District.
- 3 Mandal Revenue Officer, Visakhapatnam Rural Mandal,
Visakhapatnam, Visakhapatnam District.
- 4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(O.U.T.)
- 5 Two C.D. copies.